



Attorney Reference Number 1505-68152-01
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Wybourne et al.

Application No. 10/816,603

Filed: April 2, 2004

Confirmation No. 9819

For: SCAFFOLD-ORGANIZED METAL,
ALLOY, SEMICONDUCTOR AND/OR
MAGNETIC CLUSTERS AND
ELECTRONIC DEVICES MADE USING
SUCH CLUSTERS

Examiner: Mark L. Shibuya

Art Unit: 1639

Attorney Reference No. 1505-68152-01

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney or Agent
for Applicants

Date Mailed

MAY 26, 2006

TRANSMITTAL LETTER

Enclosed for filing in the application referenced above is the following:

- ☒ Response to Election Requirement
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received

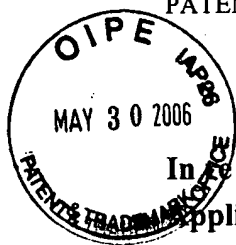
Respectfully submitted,

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cc: Client
Docketing

KLARQUIST SPARKMAN, LLP

By

Travis Young, Ph.D., J.D.
Registration No. 53,819



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RESPONSE TO ELECTION REQUIREMENT

This responds to the Office action (Election Requirement) dated April 27, 2006. The Office action requested that applicants elect either “mercaptodecanoic acid” or “mercaptoundeconoic acid” as the ligand species for initial prosecution on the merits.

Applicants thank Examiner Shibuya for discussing the Election Requirement with applicants’ representative, Travis Young, on May 26, 2006. As was discussed, the terms “mercaptoundecanoic acid” and “mercaptoundeconoic acid” are synonyms. As is known to those of ordinary skill in the art, “mercapto-” refers to the sulfhydryl functional group; “-undec-” indicates that there are 11 carbon atoms; and the suffixes “-onic” and “-oic” indicate the carboxylic acid functionality. Accordingly, the ligand has the chemical formula $\text{HS}(\text{CH}_2)_{10}\text{CO}_2\text{H}$.

As further support of the above, applicants note that the Random House Unabridged Dictionary (1997) defines “-onic” as “a suffix used in forming names of acids, esp. carboxylic acids obtained by oxidation of aldoses: *gluconic acid*.” (italics in original).

Because the identified “species” are in fact synonyms, it is impossible for applicants to elect either “mercaptoundecanoic acid” or “mercaptoundeconoic acid” without inherently electing

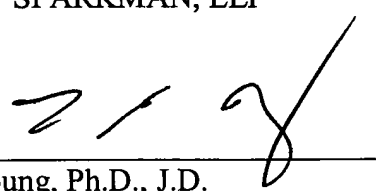
both. Applicants respectfully request that the Election Requirement be withdrawn in view of the facts set forth above.

Examiner Shibuya is invited to telephone the undersigned if any further issues remain.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


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